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**DEC 13 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Robert G. McGuiness : DECISION ON PETITION  
Application No. 10/797,120 : TO WITHDRAW  
Filed: 11 March, 2004 : HOLDING OF ABANDONMENT  
Atty Docket No. 7049-1 : :

This is a decision on the petition filed 19 January, 2005, requesting withdraw the holding of abandonment of the above-identified application.

The Office apologizes for the delay in responding to the present petition.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action mailed 29 June, 2004. Notice of Abandonment was mailed on 12 January, 2005.

Petitioner asserts that a proper response was timely filed. In support of the petition, petitioner submits a copy of a postcard receipt date-stamped 29 December, 2004, acknowledging receipt of a response (4 pages) and a check in the amount of \$510.00 (the small entity fee for a three (3) month extension of time). A copy of the amendment is included with the present petition.

A review of the record reveals that the response, a request for reconsideration of the non-final rejection and three (3) month extension of time fee, both received on 29 December, 2004, is located therein. As such, the showing is that a response was timely filed, and that the Notice of Abandonment was mailed in error.

For the reasons stated above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file will be referred to Technology Center Art Unit 3722 technical support staff for entry of the response. Thereafter, the application file will be forwarded to the examiner for action in due course.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.



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